



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,039	07/26/2003	Takanari Nakahashi	236A 3402	4058
3713	7590	12/24/2003	EXAMINER	
KODA & ANDROLIA 2029 CENTURY PARK EAST SUITE 1430 LOS ANGELES, CA 90067-3024			ROWAN, KURT C	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,039

Applicant(s)

NAKAHASHI, TAKANARI

Examiner

Kurt Rowan

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Righetti.

The patent to Righetti shows a free bending fishing lure in Figs. 10-11 having a plurality of segments 200A, 300A, 400A which are spaced in a direction of length of the main body. Righetti shows a flexible core member 900, which passes through the plurality of segments and is bendable in gaps between the segments as shown in Fig. 10. Righetti does not disclose that the main body is made by insert molding, but it would have been obvious to insert mold the main body segments since the way an article is made would be determined through routine experimentation since the function is the same and no stated problem is solved. In reference to claim 3, Righetti shows the flexible core member as thin sheet with a plurality of holes since stainless steel mesh is disclosed. Righetti discloses an adhesive, which can be considered as part of each segment to fill in the holes during assembly so that the segments are connected to the core member. It would have been obvious to employ insert molding to bond the segments to the core member since the function is the same and no stated problem is solved.

3. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

The patent to Smith shows a free bending fishing lure having a plurality of segments 10 forming a main body in a spaced relationship as shown in Fig. 1 and a flexible core member 12, 12, 12 which passes through the plurality of segments. The flexible core member is bendable in gaps between the segments. Smith shows forming the segments from wood and does not disclose forming the lure main body by insert molding. However, it would have been obvious to form the segments from insert molding since the function is the same and no stated problem is solved. In reference to claim 2, Smith shows the flexible core member 12 as a wire (column 2, lines 34-42), stopper blocks 14, inserted into the end segments which are at both ends of the main body and in each segment, and cushion members 13 between the segments. The cushion members can be thought of to extend partially into the end segments as part of the flexible core members 12. The claims should recite the structure of the cushion members in more detail to overcome Smith noting that in the present invention the cushion members are recited in the specification as being tubular but appear to be spherical or round.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Perrone, Barfield, Neil, Dworski, Kleine, McClellan, McCellan, Fernandez, Murawski, Graves, Schroeder, Maus, Sillman, and Brown show other fishing lures with a flexible body and connector.

Art Unit: 3643

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is 703 308-2321. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

A handwritten signature in black ink that reads "Kurt Rowan". The signature is written in a cursive style with a large, stylized "K" and "R".

Kurt Rowan
Primary Examiner
Art Unit 3643

KR